IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

OP.No. 3066 of 2003(M)

PETITIONER:

V.T. MAMMEN, VADAKETH HOUSE,
KURIYANNOOR, THOTTAPPUZHASSERRY,
THIRUVALLA TALUK, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.K.MOHANA KANNAN

RESPONDENTS:

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1. CASSA LABORATORIES, T.C./146/1,
VALISALA, THIRUVANANTHAPURAM - REPRESENTED
BY ITS PROPRIETOR SMT.R. KRISHNAMMAL.

2. R. KRISHNAMMAL, T.C.23/673,
CHENTHITTA, THIRUVANANTHAPURAM.

3. P. PADMANABHAN, T.C.23/673,
CHENTHITTA, THIRUVANANTHAPURAM.

4. SYNDICATE BANK, MAIN BRANCH,
STATUE JUNCTION, THIRUVANANTHAPURAM -
REPRESENTED BY ITS MANAGER.

5. THE VILLAGE OFFICER, THOTTAPPUZHASSERY
THIRUVALLA TALUK, PATHANAMTHITTA DISTRICT.

6. THE DEPUTY TAHSILDAR (REVENUE RECOVERY)
TALUK OFFICE, THIRUVALLA,
PATHANAMTHITTA DISTRICT.

7. THE DISTRICT COLLECTOR,
PATHANAMTHITTA.

R5 TO R7 BY GOVERNMENT PLEADER SRI.SHYSON P.MANGUZHA
ADV. SRI.M.P.ASHOK KUMAR, SC, SYNDICATE BANK
R4 SRI.R.S.KALKURA

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 21/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.NO.5466 OF 2003 & I.A.NO.9891 OF 2003 IN
O.P.NO.3066 OF 2003

CLOSED

21/6/2007 Sd/-PIUS C. KURIAKOSE,JUDGE

APPENDIX

PETITIONERS EXHIBITS:

EXT.P1: COPY OF THE NOTICE SENT BY THE 4TH RESPONDENT DATED 27.7.1999 TO THE PETITIONER.

EXT.P2: COPY OF THE NOTICE DATED 21.8.2001 ISSUED BY THE 4TH RESPONDENT TO THE PETITIONER.

EXT.P3: COPY OF THE PLAINT IN O.S.No.107/2001 FILED BY THE PETITIONER ON 11.9.2001 BEFORE THE SUB COURT, THIRUVALLA.

EXT.P4: COPY OF THE APPLICATION ALONG WITH THE AFFIDAVIT FILED BY THE PETITIONER BEFORE THE SUB COURT, THIRUVALLA AS I.A.NO.876 OF 2001 IN O.S.NO.107/2001 DT. 11.9.2001.

EXT.P5: COPY OF THE NOTICE DATED 23.12.2002 SENT BY THE 6TH RESPONDENT TO THE PETITIONER.

EXT.P6: COPY OF THE APPLICATION FOR ADVANCEMENT OF HEARING OF THE INJUNCTION APPLICATION AS I.A.NO.92/2003 BEFORE THE SUB COURT, THIRUVALLA BY THE PETITIONER.

RESPONDENT'S EXHIBITS:

EXT.R4(a): COPY OF THE MEMORANDUM OF DEPOSIT OF TITLE DEEDS DATED 23.2.1981 EXECUTED BY THE PETITIONER IN FAVOUR OF THE 4TH RESPONDENT.

EXT.R4(b): COPY OF THE LETTER DATED 23.2.1981 EXECUTED BY THE PETITIONER.

EXT.R4(c): COPY OF THE LETTER OF REQUISITION SUBMITTED BY THE 4TH RESPONDENT DATED 21.11.2000 TO THE DISTRICT COLLECTOR, PATHANAMTHITTA.

EXT.R4(d): COPY OF THE LETTERS DATED 29.6.2001 ISSUED BY THE DISTRICT COLLECTOR, PATHANAMTHITTA, TO THE TAHASILDAR, MALLAPPALLY AND TAHASILDAR, THIRUVALLA.

EXT.R4(e): COPY OF THE LETTERS DATED 14.8.2001 ISSUED BY THE DISTRICT COLLECTOR PATHANAMTHITTA, TO THE TAHASILDAR, MALLAPPALLY AND TAHASILDAR, THIRUVALLA.

EXT.R4(f): COPY OF THE WRITTEN STATEMENT FILED BY THE 4TH RESPONDENT IN O.S.NO.107/2001.

TRUE COPY

P.A.TO JUDGE

PIUS C. KURIAKOSE,J.

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O.P. No.3066 of 2003

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Dated: 21st June, 2007

JUDGMENT

Paper publication is already effected. Service is complete. Respondents are absent.

2. In view of the conceded position that the suit filed by the petitioner is already dismissed, I do not find any warrant for invoking the supervisory jurisdiction of this court under Article 227 of the Constitution. The Original Petition will stand dismissed. However considering the submission of Mr.K.Mohanakannan, counsel for the petitioner that all sincere endeavours are being made by the petitioner to pay off the amount to the 4th respondent, the order of stay presently passed will continue for another one month.

srd **PIUS C.KURIAKOSE, JUDGE**